

FILED

MAY - 4 2007

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CLERK OF THE  
KANSAS SUPREME COURT  
JURY - 12 - 12

Case No. 45S00-0705MS-184

The Honorable John R. Pera, Chief Judge of Lake Superior Court, has tendered, pursuant to Administrative Rule 1(E) and Trial Rule 81, an order that institutes a caseload allocation plan (herein called the “PLAN”) for the trial Courts of Lake County. The proposed plan is herein incorporated as ATTACHMENT A.

This Court finds that the tendered plan proposes to shift certain Lake County judicial officers as indicated in ATTACHMENT 1 of the PLAN effective May 7, 2007, and that the proposed shift in judicial resources is projected to bring the disparity in caseloads of Lake County Courts to the required forty (40) percent variance set forth in Administrative Rule 1(E).

This Court further finds that the proposed plan has been published on the Indiana Judicial Website for more than thirty (30) days as required by Trial Rule 81(D). Accordingly, this Court approves said PLAN on the condition that the PLAN be incorporated into the local rules for Lake County Courts and prepared and numbered in accordance with the format published by the Indiana Supreme Court Division of State Court Administration under Trial Rule 81(D).

IT IS, THEREFORE, ORDERED by this Court that the attached PLAN, which is to take effect May 7, 2007, is APPROVED, but on the condition that the

PLAN be incorporated into the local rules for Lake County Courts no later than June 8, 2007.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Lorenzo Arredondo, Lake Circuit Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Mary Beth Bonaventura, Lake Superior Court, 3000 West 93rd Avenue, Crown Point, IN 46307; the Hon. Diane Boswell, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Julie N. Cantrell, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. William E. Davis, Lake Superior Court, 3711 East Main Street, East Chicago, IN 46312; the Hon. Jeffery J. Dywan, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307; the Hon. Sheila M. Moss, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Clarence D. Murray, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307; the Hon. John R. Pera, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307; the Hon. Nicholas J. Schiralli, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Diane Kavadias Schneider, Lake Superior Court, 232 Russell Street, Hammond, IN 46320; the Hon. Thomas P. Stefaniak, Jr., Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Gerald N. Svetanoff, Lake Superior Court, 15 West Fourth Avenue, Gary, IN 46402-1238; the Hon. Elizabeth Tavitas, Lake Superior Court, 15 West Fourth Avenue, Gary, IN 46402-1284; the Hon. Salvador Vasquez, Lake Superior Court, 2293 North Main Street, Crown Point, IN 46307-1854; the Hon. Jesse M. Villalpando, Lake Superior Court, 232 Russell Street, Hammond, IN 46320-1877; the Hon. E. Duane Daugherty, Judge *Pro Tem*, Lake Superior Court, 232 Russell Street, Hammond, IN 46320 and to the Clerk of the Lake Circuit Court.

The Clerk of the Lake Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this

Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 4<sup>th</sup> day of May, 2007.

FOR THE COURT

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

IN THE  
SUPERIOR COURT OF LAKE COUNTY

IN THE MATTER OF THE                     )  
  )  
REVISION TO THE 2005                     )  
  )  
CASELOAD ALLOCATION PLAN                )  
  )  
FOR THE LAKE COUNTY                     )  
  )  
SUPERIOR AND CIRCUIT COURTS            )

REVISION OF THE  
2005 ALLOCATION OF JUDICIAL RESOURCES PLAN FOR THE LAKE  
COUNTY SUPERIOR AND CIRCUIT COURT  
AND  
ADMINISTRATIVE ORDER ADOPTING THE REVISED  
2005 ALLOCATION OF JUDICIAL RESOURCES PLAN

The judges of the trial courts of record in Lake County, Indiana, hereby request approval of the following revision to the *Lake County Superior Court Allocation of Judicial Resources (AJR) Plan for Calendar Year 2005*.

In the course of review of the weighted caseload utilization statistics for 2006, it was determined that most of our courts are currently in compliance with Administrative Rule 1. However, two areas of concern became apparent.

First, when compared to all other courts, there was a relatively low utilization of the Civil Division-Room 2 in East Chicago. Second, there was a high utilization of two County Division Courts, specifically County Division-Room 2 in Crown Point and Room 4 in Hammond. The utilization of those three courts put Lake County out of compliance with Administrative Rule 1(e)(2), which requires that the utilization variance among the courts of record in Lake County not exceed forty (40) percentage points. It is our intention with this revision to address the variance.

Civil Division-Room 2, 2006 activity is represented statistically in Table 1 using the 2006 quarterly case status reports provided to the Division of State Court Administration, the most current information available. To address the .69 utilization for Civil Division-Room 2 and to bring it into compliance with A.R. 1, the court proposes a re-allocation of .4 judicial officers from Civil Division-Room 2 to be divided equally between County Division-Room 4 in Hammond and Civil Division-Room 3 in Gary. By so doing, Civil Division-Room 2 will be in compliance with Administrative Rule 1, County Division-Room 4 will receive assistance to lower its utilization, and Civil Division-Room 3 will receive valuable assistance to lower its utilization number which has been significantly higher than any other court in the Civil Division.

Table 2 reflects the impact of this re-allocation for 2007 on Civil Division-Room 2.

**TABLE 1**

<b><u>ACTUAL 2006</u></b>			
<b>Court</b>	<b>Caseload</b>	<b>Judicial Officers</b>	<b>Utilization</b>
Civil Division-Room 2	.83	1.2	.69

**TABLE 2**

<b><u>ESTIMATED 2007</u></b>			
<b>Court</b>	<b>Caseload</b>	<b>Judicial Officers</b>	<b>Utilization</b>
Civil Division-Room 2	.83	.80	1.04

It should be noted that in 2005 a caseload disparity in the Civil Division courts in Gary was identified and remedied on this court's own initiative. Civil Division-Room 3 in Gary was established in 2001 as the Domestic Relations Court for Lake County. Civil Division-Room 4 is also located in Gary and during 2005 experienced a decided under-utilization. To remedy the underutilization, the following case filing procedures were ordered effective January 1, 2006:

1. All new PL, MF, CT, MH, AD, AH, ES/EU, GU, TR and MI cases filings in Gary were assigned to Civil Division-Room 4.
2. CC cases were assigned to the court chosen by counsel or the party filing the case.
3. In addition to the filing changes noted above, the Probate Commissioner assigned to Civil Division-Room 3 was transferred to Civil Division-Room 4.

The statistics provided below in Table 3 reflect the impact of these changes in 2006. This new filing format clearly brought Civil Division-Room 4 into compliance with Administrative Rule 1.

**ACTUAL 2005 AND 2006 UTILIZATION FIGURES**  
**CIVIL DIVISION 3 AND 4**

**TABLE 3**

<b>Court</b>	<b>Caseload</b>	<b>Judicial Officers</b>	<b>Utilization</b>
Civil Division 3-2005	4.23	3.2	1.32
Civil Division 3-2006	3.97	3	1.32
Civil Division 4-2005	.56	1	.56
Civil Division 4-2006	1.23	1.2	1.03

When addressing the utilization of the County Division Courts in 2006, it must be noted that these courts have historically had very high weighted caseload utilization figures. Until the recent changes in Administrative Rule 1, the court was able to substantially maintain a weighted caseload utilization figure under which all courts in Lake County were .25 above or below the average for the Superior Court as a whole.

Furthermore, the 2006 utilization figures of 1.76 and 1.64 in County Division-Rooms 2 and 4 respectively, though high by weighted caseload standards, do not create any undue burden on the staff or litigants in these courts. The litigants in each of the County Division courts are being served in a judicious manner. The processes established in these courts to handle the high volume of cases before them, principally through appropriate staffing, is efficient. Nonetheless,

the court, in compliance with Administrative Rule 1, proposes the re-allocation of judicial officers from less utilized courts to the higher utilized County Division courts, rather than altering the assignment of cases, to bring the County Division courts into compliance. Table 4 reflects the 2006 utilization figures for County Divisions 2 and 4 and the impact of the re-allocation of .6 judicial officers to County Division 2 and .2 judicial officers to County Division 4. The table assumes 2007 case filing patterns are similar to 2006:

**TABLE 4**  
**ACTUAL 2006 AND ESTIMATED 2007 UTILIZATION FIGURES**  
**COUNTY DIVISION-ROOMS 2 AND 4**

<b>Court</b>	<b>Caseload</b>	<b>Judicial Officers</b>	<b>Utilization</b>
County 2 - 2006	3.70	2.1	1.76
County 2 - 2007 est.	3.70	2.7	1.37
County 4 - 2006	1.97	1.2	1.64
County 4 - 2007 est.	1.77	1.4	1.26

County Division-Room 2 will benefit from the re-allocation of .1 judicial officers from each of our Criminal Division courts and from .1 judicial officers each from Civil Division-Room 6 and Civil Division-Room 7, which are located in Crown Point.

County Division 4 will benefit from the re-allocation of .2 judicial officers from Civil Division-Room 2 as noted in Table 2. In addition, County Division 4 will no longer accept PO cases. PO cases filed in the Hammond Courthouse will be equally distributed between Civil Division-Room 1 and Civil Division-Room 5.

Attachment 1 provides a detailed breakdown of the changes outlined in this order, an accurate representation of the 2006 utilization figures for Lake County and the 2007 estimated utilization figures. The Lake Superior Court with the highest 2007 utilization figure is expected to be County Division-Room 2 at 1.37 and the court with the lowest utilization figure is expected to be Criminal Division-Room 2 at .98. The difference between the highest and lowest courts

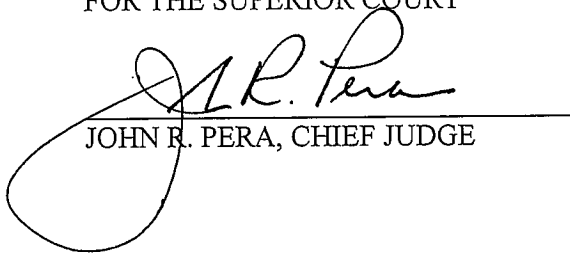
will then be .39, which places the Lake Superior and Circuit Courts within the utilization requirements set forth in Administrative Rule 1(e)(2). The court will monitor its utilization on a periodic basis and make adjustments when appropriate to maintain compliance with the Rule.

This order has been formulated after consultation with the judges of all of the courts of Lake County. It has been approved without qualification by a majority of the judges.

IT IS THEREFORE ORDERED that the Lake County Superior Court adopt these changes to the *Lake County Superior Court Allocation of Judicial Resources (AJR) Plan for Calendar Year 2005*.

IT IS FURTHER ORDERED that good cause exists to deviate from the T.R. 81 schedule for adopting local rules, that this Order be immediately published on the Lake County Government Website, that this Order be immediately transmitted in digital format to the Indiana Supreme Court Division of State Court Administration for publication on the state judicial website and that this Order become effective May 7, 2007, unless a different effective date is established by Order of the Indiana Supreme Court.

FOR THE SUPERIOR COURT



JOHN R. PERA, CHIEF JUDGE

DATED: March 2, 2007



### ACTUAL ALLOCATION OF JUDICIAL OFFICERS - 2006

	Cr Rm 1	Cr Rm 2	Cr Rm 3	Cr Rm 4	Circuit	Cv Rm 1	Cv Rm 2	Cv Rm 3	Cv Rm 4	Cv Rm 5	Cv Rm 6	Cv Rm 7	Juv	Cnty I	Cnty II	Cnty III	Cnty IV	TOTAL
Need	1.53	1.37	1.42	1.41	5.03	1.10	0.83	3.97	1.23	1.00	1.02	0.91	6.46	2.19	3.70	2.83	1.97	37.97
Have	1.5	1.5	1.5	1.5	3.7	1.2	1.2	3	1.2	1	1	1	5.5	2	2.1	2.2	1.2	32.3
Utilization	1.02	0.91	0.95	0.94	1.36	0.92	0.69	1.32	1.03	1.00	1.02	0.91	1.17	1.10	1.76	1.29	1.64	1.18

### APPROVED ALLOCATION OF JUDICIAL OFFICERS - 2007

	Cr Rm 1	Cr Rm 2	Cr Rm 3	Cr Rm 4	Circuit	Cv Rm 1	Cv Rm 2	Cv Rm 3	Cv Rm 4	Cv Rm 5	Cv Rm 6	Cv Rm 7	Juv	Cnty I	Cnty II	Cnty III	Cnty IV	TOTAL
Need	1.53	1.37	1.42	1.41	5.03	1.20	0.83	3.97	1.23	1.10	1.02	0.91	6.46	2.19	3.70	2.83	1.77	37.97
Have	1.4	1.4	1.4	1.4	3.7	1.2	0.8	3.2	1.2	1	0.9	0.9	5.5	2	2.7	2.2	1.4	32.3
Utilization	1.09	0.98	1.01	1.01	1.36	1.00	1.04	1.24	1.03	1.10	1.13	1.01	1.17	1.10	1.37	1.29	1.26	1.18

### BREAKDOWN OF SUGGESTED JUDICIAL ALLOCATION - 2007 LAKE COUNTY SUPERIOR COURT

The work to be performed by the assisting judicial officers will be by agreement of the Judge of the court receiving assistance and the assisting judicial officer.

#### CRIMINAL DIVISION ALLOCATION

- A. .4 judicial officers (.1 from each Criminal Court) will assist County Division 2.  
This equates to 1 judicial officer hearing County Division matters 2 days per week.

#### CIVIL DIVISION ALLOCATION

- A. Civil Division 1 would have PO cases randomly filed in Hammond with Civil 5
- B. Civil Division 2 .2 probate commissioner would be utilized in either County 4 or Civil 3  
.2 judicial officers would be utilized in either County 4 or Civil 3  
(1 judicial officer hearing Civil Division 3 matters 1 day per week)  
(1 judicial officer hearing County 4 matters 1 day per week)
- C. Civil Division 3 .2 judicial officers from Civil 2 would be utilized in Civil 3.
- D. Civil Division 5 would have PO cases randomly filed in Hammond with Civil 1
- E. Civil Division 6 .1 judicial officers would assist County 2  
(1 judicial officer hearing County Division 2 matters 1/2 day per week)
- F. Civil Division 7 .1 judicial officers would assist County 2  
(1 judicial officer hearing County 2 matters 1/2 day per week)

#### County Division Allocation

- A. County Division 2 County Division 2 would receive the assistance of .6 judicial officers  
.4 from the Criminal Division  
.1 from Civil Division 6  
.1 from Civil Division 7
- B. County Division 4 County Division 4 would receive the assistance of .2 judicial officers from Civil 2  
County Division 4 would no longer be accepting PO cases. These cases would be random filed in Civil 1 and 5.

*Attachment 1*